

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:08cr031

UNITED STATES OF AMERICA,

vs.

GEORGE TOKARZ.

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ORDER

THIS MATTER is before the Court *sua sponte* to continue the case.

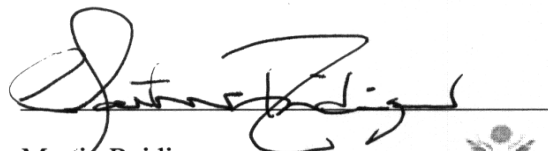
On February 26, 2008, the Defendant was indicted in a four-count Bill of Indictment with receipt and possession of child pornography, in violation of 18 U.S.C. §§ 2252(a)(2) and (a)(4)(B). An initial appearance was held on March 12, 2008, at which time counsel was appointed. On April 9, 2008, attorney Jacob H. Sussman filed a notice of appearance on behalf of the Defendant. An arraignment was held on April 11, 2008, at which time the Defendant appeared through his retained counsel. At the arraignment, the Defendant's case was placed on the April 14, 2008 calendar for trial.

Given counsel's recent appearance in the case, the Court finds that counsel would not have an adequate opportunity to prepare for trial, taking into account the exercise of due diligence. The Court therefore finds that a failure to grant the continuance "would unreasonably deny the defendant ... the reasonable time necessary for effective preparation, taking into account the exercise of due diligence." 18 U.S.C. § 3161(h)(8)(B)(iv).

For the reasons stated herein, the ends of justice served by the granting of a continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

IT IS, THEREFORE, ORDERED that the above-captioned case is **CONTINUED** from the April 14, 2008 term in the Charlotte Division.

Signed: April 11, 2008


Martin Reidinger
United States District Judge

